

## IT IS ORDERED AND NOTICE IS GIVEN THAT:

(a) The trustee is authorized to compensate the debtor's attorney in the amount requested below without further notice or order if this application and order thereon are timely served unless, within 30 days of the FILED date, a party files a written objection setting forth specific grounds for the objection with the clerk at 1050 SW 6th Ave. #700, Portland OR 97204. If the amount requested includes fees for work necessary to complete the case, and payment of the fees will have any impact on creditor distributions, the trustee is authorized to compensate the attorney in the amount requested for work necessary to complete the case 21 days after an itemized bill for the additional work is filed and the bill is served on the debtor unless, within 14 days after service, a written objection is filed.

(b) The applicant must: (1) comply with all provisions in the court's Notice to Serve Document(s), and (2) serve this document and file the completed certificate of service using this document without any attachments.



TERESA H. PEARSON  
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re

Case No. \_\_\_\_\_  
Amended

Debtor(s)

**CHAPTER 13 DEBTOR'S ATTORNEY'S  
SUPPLEMENTAL-COMPENSATION  
APPLICATION; AND ORDER AND NOTICE  
THEREON**

1. This application is made by debtor's attorney (applicant).
2. In applicant's Chapter 13 Debtor's Attorney's Compensation Disclosure and Application on Local Bankruptcy Form (LBF) 1305, applicant selected [*check one*]:
  - Schedule 2.(a)
  - Schedule 2.(b)
  - Schedule 3.

3. This application [*check one*]    is    is not applicant's final application in this case.
4. Applicant has previously been allowed compensation and expense reimbursement in the plan-confirmation order and any prior LBF 1307s in the total amount of \$\_\_\_\_\_.
5. Applicant applies for supplemental allowance of compensation and expense reimbursement totaling \$\_\_\_\_\_ for the period \_\_\_\_\_ through \_\_\_\_\_. An itemized statement of services rendered and expenses incurred for the period of this application is attached. If this application is granted, the total amount allowed will be \$\_\_\_\_\_. If this application is final, it includes \$\_\_\_\_\_ in anticipated additional fees to complete the case.
6. Allowance of this application will [*mark all that apply*]—
- not affect the distribution to creditors.
- delay the distribution to creditors by approximately \_\_\_\_\_ months.
- reduce the estimated distribution to general unsecured creditors from \_\_\_\_\_% to \_\_\_\_\_%
- require that the debtor pay more by making additional or increased plan payments sufficient to pay the additional fees and expenses.
- not change the length of the plan, which is estimated to be \_\_\_\_\_ months.
- change the estimated length of the plan from \_\_\_\_\_ months to \_\_\_\_\_ months.
- other: \_\_\_\_\_.
7. If applicant has previously shared any compensation or there exists any agreement or understanding between applicant and any other entity for the sharing of compensation received or to be received for services rendered in or in connection with this case, other than as a member or regular associate of a firm of attorneys, the details of the sharing or sharing agreement, other than those disclosed in LBF 1305 or a prior LBF 1307, are as follows:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Type or Print Applicant's Name

\_\_\_\_\_  
OSB#

\_\_\_\_\_  
Applicant's Telephone Number

\_\_\_\_\_  
Applicant's Service Address

\_\_\_\_\_

### **CERTIFICATE OF SERVICE**

I certify that on \_\_\_\_\_ a copy of this application and order thereon (without attachments) and any Notice of Hearing prepared by the court per the judge's order were served on the debtor and, if the total amount requested exceeds \$1,000, on all creditors (or if FRBP 2002(h) applies, only on each entity that is listed in FRBP 2002(h)). I have attached a clearly identified list of the names, addresses, and methods for service on all parties served using paper. The application served on creditors did not include the attachment, but any creditor may obtain a copy of the attachment upon request to applicant.

\_\_\_\_\_  
Signature & Relation to Applicant

## **INSTRUCTIONS**

Do not serve this application until the judge has signed it at the top of the first page.

No application may be filed (a) if Schedule 1 was selected on LBF 1305, (b) to request fees and expenses less than \$500 on a nonfinal LBF 1307, (c) sooner than six months after the last to be filed of the LBF 1305 or the most recent prior LBF 1307, if any, (d) after filing a final LBF 1307, or (e) after 28 days after service of the trustee's notice of plan completion (Local Bankruptcy Rule (LBR) 2016-1(e)(3)(A)).

If Schedule 2.(b) was selected—and even if an LBF 1306 was filed—the first LBF 1307 must include an itemized statement of all services rendered and expenses incurred in contemplation of or in connection with the case, both before and after the petition date, and it must reflect the paid amounts listed in the LBF 1305 and amounts allowed in the confirmation order (LBR 2016-1(e)(3)(B)).

The presumptively reasonable compensation for preparation of each LBF 1307 is \$100 (LBR 2016-1(e)(3)(C)).

If allowance of the compensation requested in an LBF 1307 will require a plan modification, the debtor must, within 28 days after allowance of this application, file either a Notice of Postconfirmation Amendment of Plan on LBF 1355.10 and a proposed amended plan on the appropriate LBF or a statement why none has been filed. (LBR 2016-1(e)(3)(D)).

**KIVEL & HOWARD LLP**

ATTORNEYS AT LAW  
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Shelley and Ralph Radmer  
39175 Scenic Street  
Sandy, Oregon 97055

March 3, 2022

File #RAD002L-0001KH

In Reference To: Chapter 13 Bankruptcy

Professional Services

(Pre-confirmation work)

Hrs/Rate      Amount

9/9/2020	AV	File financial management certificate with court	0.10 300.00/hr	30.00
9/18/2020	AV	Review client e-mail regarding stay violation; Prepare stay violation letter to Oregon Department of Revenue	0.40 300.00/hr	120.00

THIS STATEMENT MAY NOT INCLUDE  
COSTS ADVANCED ON ITEMS NOT  
YET BILLED TO THIS OFFICE

A LATE-PAYMENT CHARGE OF 1.5% PER  
MONTH APPLIES TO ANY FEES OR COSTS  
NOT PAID WITHIN 30 DAYS OF RECEIPT OF

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		<u>Hrs/Rate</u>	<u>Amount</u>
9/22/2020 DP	Process incoming offset paperwork	0.30 150.00/hr	NO CHARGE
10/15/2020 AV	Telephone conversation with clients' attorney Mark Comstock regarding Land Sale Contract and possible resolution	0.20 300.00/hr	60.00
11/2/2020 DP	Process incoming trustee check No.465033	0.30 150.00/hr	45.00
11/3/2020 AV	Prepare Stay Violation letter to Internal Revenue Service	0.20 300.00/hr	60.00
11/5/2020 DP	Prepare Stay Violation Letter with attachments; Mail to IRS and client	0.30 150.00/hr	45.00
1/22/2021 AV	Draft letter instructing clients to provide 2020 Tax Returns, and to send tax refunds to trustee if indicated in plan	0.10 300.00/hr	30.00
1/29/2021 AV	Review Oregon Department of Revenue Proof of Claim and analyze source of 2017 Tax Refund	0.50 300.00/hr	150.00
DP	Prepare and mail letter to Oregon Department of Revenue regarding prior taxes	0.50 150.00/hr	75.00
2/3/2021 AV	Telephone call to client regarding tax situation; Set up call for February 8th, 2021	0.30 300.00/hr	90.00
2/8/2021 AV	Review 11 USC 362(b)(26) bankruptcy code for treatment of tax refunds from pre-petition years; Telephone call with client to discuss tax refund treatment and refinancing to purchase rental property	1.20 300.00/hr	360.00
3/1/2021 AV	Review 26 United States Code (USC) 6402 and 11 USC 362 (b) (26) - indicating lack of a stay violation; Telephone call with clients confirming that setoff of taxes is not a violation of same; Also discuss financing to buy the Salem rental property	0.60 300.00/hr	180.00
3/2/2021 AV	Email answers to members' questions regarding sending of tax refunds to Trustee	0.10 300.00/hr	30.00
3/4/2021 AV	Telephone call to clients regarding situation of 2019 through 2021 tax refunds being paid into plan and reducing plan term from 54 to 36 months; Also refinancing and possible creation of Real Estate Trust with family members on rental property in Salem	0.50 300.00/hr	150.00
3/25/2021 DP	Process Land Sale Contract and Rental Agreement sent from client	0.30 150.00/hr	45.00
4/17/2021 AV	Telephone call with client to schedule phone appointment	0.10 300.00/hr	30.00

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		<u>Hrs/Rate</u>	<u>Amount</u>
4/21/2021	AV Telephone call with client to request summary of payments for Salem property from May 2020 to present; Advise that they send Tax Returns to trustee before attorney prepares fee application	0.10 300.00/hr	30.00
6/2/2021	AV Telephone call with client to discuss that tax refunds can shorten plan length up to three years; Also discuss supplemental fee application and Small Business Administration (SBA) Grant Application	0.40 300.00/hr	120.00
8/6/2021	DP Receive call from Trustee requesting 2020 Tax Transcript from client; Email client for status of transcript	0.30 150.00/hr	NO CHARGE
8/9/2021	DP Process incoming 2020 Tax Transcript	0.30 150.00/hr	NO CHARGE
11/28/2021	AV Respond to client email inquiry regarding Internal Revenue Service (IRS) letter they received	0.10 300.00/hr	30.00
11/29/2021	AV Send email regarding documents received from IRS; Review IRS claim and 2016 tax information; Schedule telephone appointment for 12/2/21	0.30 300.00/hr	90.00
	DP Process correspondence from client regarding letter from Internal Revenue Service	0.20 150.00/hr	30.00
12/2/2021	AV Telephone call with client discussing Internal Revenue Service (IRS) collection from 2016 taxes, purchase of rental house by November 30th, 2024, explanation of plan and future supplemental fee application	0.50 300.00/hr	150.00
1/9/2022	AV Review email from Shelly Radmer indicating wish for client to purchase mother's house which clients are renting	0.10 300.00/hr	30.00
1/17/2022	AV Telephone call to Ms. Radmer; Send budget to member for review and modification	0.20 300.00/hr	60.00
1/19/2022	AV Telephone call to Ms. Radmer discussing the possible house purchase which she and her brother were working on before she contacted us	0.30 300.00/hr	90.00
2/3/2022	AV Review email from client discussing Comparative Market Analysis (CMA) versus appraisal on property which client wishes to buy from parents; Respond to same	0.10 300.00/hr	30.00
2/17/2022	AV Telephone call to client regarding 2021 taxes; Also request that Ms. Radmer have her parents consult independent counsel regarding clients' purchase of her parents' house and it being an arms' length transaction	0.20 300.00/hr	60.00
	AV Telephone call from Ms. Radmer inquiring about parents' capital gains tax from her proposed purchase of their house; Advise client to have her parents consult a Certified Public Accountant	0.20 300.00/hr	60.00

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	<u>Hrs/Rate</u>	<u>Amount</u>
2/21/2022 AV Telephone call to Ms. Radmer advising on length of plan and requesting letter from her parents' attorney regarding opinion on transaction	0.30 300.00/hr	90.00
For professional services rendered		\$2,370.00
25% LegalShield discount for ARV work		(\$532.50)
Preparation of Fee Application		\$100.00
Amount of Fee Application-----		\$1,937.50

## Timekeeper Summary

Name

AV = Aaron Varhola - Attorney - \$300 per hour (\$225 per hour with LegalShield discount)  
 DP = Donna Plasker - Paralegal - \$150 per hour